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May 14, 2008

BY HAND DELIVERY

The Honorable Laura Taylor Swain
United States District Judge
United States District Court
500 Pearl Street, Room 755
New York, N.Y. 10007

MEMO ENDORSED

Re: People of the State of New York v. First American Corp. et al.,
07 Civ. 10397 (S.D.N.Y.) (LTS) (HBP)

Dear Judge Swain:

The parties respectfully and jointly write to inquire whether Your Honor wishes to proceed with the May 23, 2008 pre-trial conference scheduled by the Court in its endorsement of counsels' letter dated March 12, 2008 (a copy of which is enclosed for the Court's convenience). The parties submit that it may be more efficient to adjourn the conference until after the Court decides the pending cross motions, as such a decision will likely be dispositive of any issues that could be addressed in the conference at this stage.

We thank the Court for its consideration of this request.

Respectfully,

Nicole Gueron
Deputy Chief Trial Counsel

cc: Richard F. Hans, Esq. (by email)
Thacher Proffitt & Wood LLP

The request is granted. The conference will be rescheduled after the motions have been decided, if the decision permits the action to be maintained in this court.

SO ORDERED.

LAURA TAYLOR SWAIN U.S.D.J.